

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Albayrak

Appl. No.: 10/027,401

Filed: 12/19/2001

For: **INDUCED PHASE
TRANSITION METHOD FOR
THE PRODUCTION OF
MICROPARTICLES
CONTAINING HYDROPHOBIC
ACTIVE AGENTS**

Art Unit: 1615

Examiner: L. DiNola Baron.

Atty. Docket: 0081.01

I hereby certify that this correspondence and all marked attachments are
being transmitted via facsimile to the Assistant Commissioner for Patents.
Group 1615 (703) 872-9306

10/27/2003
(Date)
Kathy Honnert
Kathy Honnert

Response to Election Requirement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated August 26, 2003 (Paper No. 7), Applicants submit the following remarks.

A petition for a one month extension of time is requested. If additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account Number 500348 referencing docket number 0081.01. Applicants likewise authorize a charge to Deposit Account Number 500348 for any other fees related to the present application that are not otherwise provided for in the accompanying documents.

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I. Election Requirement

In the Office Action mailed August 26, 2003, the Examiner alleges that the present application contains claims directed to more than one patentably distinct species and requires election under 35 U.S.C. 121. Applicants elect, with traverse, the following species;

1. The polymer – (c) polyester
2. The partially water-miscible solvent – (i) methyl formate
3. The water-miscible co-solvent – (a) ethanol

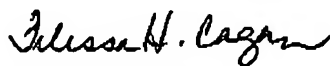
Claims 1-42 read on each of the above elected species.

Applicants traverse this requirement Election of Species requirement on the grounds that the search for each of the patentably distinct species would not be an undue burden for the Examiner.

CONCLUSION

The presently pending claims is believed to be in immediate condition for allowance and applicants respectfully request review of each of the generic claims. The Examiner is invited to contact the undersigned at (650) 631-3145 with respect to any unresolved issues remaining in this application.

Respectfully submitted,



Felissa H. Cagan
Registration No. 35,089

Date: October 27, 2003

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